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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,520	12/23/1999	KONSTANTINOS I. PAPATHOMAS	EN995064BV	7516

5409 7590 05/13/2003

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EXAMINER

BERMAN, SUSAN W

ART UNIT	PAPER NUMBER
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1711

25

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/471,520	Applicant(s) PAPATHOMAS ET AL.	
	Examiner Susan W Berman	Art Unit 1711	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): 112, 2nd rejections set forth in paper 22.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached page.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1, 6-8 and 13-20.

Claim(s) withdrawn from consideration: _____

8. ☒ The proposed drawing correction filed on 25 April 2003 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Susan W Berman
Primary Examiner
Art Unit: 1711

DETAILED ADVISORY ACTION

It is the examiner's position that the recitation in claims 1, 7 and 8 of "filler for controlling thermal expansion of said composition and for assisting in reinforcing said bond" fails to distinguish the compositions instantly claimed from those disclosed in the prior art of record. Although these properties are not explicitly discussed by Ayano et al or Gaku et al, each patentee teaches adding fillers to the disclosed cyanate ester compositions. Gaku et al disclose some of the same fillers disclosed by applicant. Both patents exemplify impregnating glass cloth with the disclosed cyanate ester compositions. Glass cloth, as well as other disclosed fillers, reinforcing agents and/or tougheners would be expected to reinforce a bond. In any case, there is no evidence of record to show that the prior art fillers, such as glass cloth, silica, synthetic fiber cloth, alumina, etc, do not also control thermal expansion and reinforce the bond.

Applicant argues that applicant teaches employing an "effective amount" of filler to provide the recited properties. This argument is not persuasive of patentability because there is no recitation in any of the claims of "effective amount" or the disclosed amounts of 40-75 % by weight used with 60-25 % by weight of liquid resin, as disclosed on pages 25, lines 11-14. The only example of a cyanate ester compositions employs silica (see Example 4).

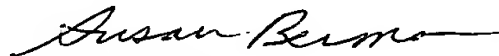
McCormick teaches organometallic complex salts wherein the metal is selected from Groups IV, V, VI, VII or VII B. See column 4, lines 3-8.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 703 308 0040. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703 308 2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9310 for regular communications and 703 872 9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0661.



Susan W Berman
Primary Examiner
Art Unit 1711

SB
May 9, 2003